

<b>BUREAU: National Park Service</b>
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**PARK:** Joshua Tree National Park

**ISSUE:** Eagle Mountain Landfill

**BACKGROUND:**

- For over sixteen years, Joshua Tree National Park has been faced with a proposal by the Mine Reclamation Corporation (MRC), a subsidiary of Kaiser Ventures Incorporated (KVI), for establishment of a solid waste landfill at a 4,000 acre site, located  $\frac{3}{4}$  of a mile from the southeast boundary of Joshua Tree National Park.
- The lands encompassed by the Eagle Mountain Mine were once a part of Joshua Tree National Monument when the Monument was first established in 1936 by Presidential proclamation. Congress removed over 265,000 acres from Joshua Tree National Monument with the passage in 1950 of P.L. 837 to allow mineral exploration. Twenty-nine thousand acres were removed in the Eagle Mountain area.
- The Eagle Mountain Mine operation is approximately 3800 acres. With Private Law 790 in 1952, Congress granted patent to Kaiser Steel Corporation for approximately 465 acres of land to be used for the Eagle Mountain Mine with the provision that "said property shall revert in fee to the United States in the event that said property is not used for a continuous period of seven years as a camp site or mill site or for other incidental purposes in connection with mining operations of said corporation or its successors in interest".
- Regular iron-mining operations at Eagle Mountain ceased in 1983. Kaiser Steel subsequently entered into bankruptcy in 1983, and emerged from bankruptcy as Kaiser Resources in 1987. In 1986, Kaiser Resources acquired the Mine Reclamation Corporation (MRC) as a subsidiary to Kaiser, the purpose of which was to obtain the permits for Eagle Mountain Landfill. In 1988 a proposal was set in motion to use a portion of the Eagle Mountain site as a solid-waste landfill. The proposal included using 465 acres of the town site for facility support, about 500 acres of the eastern portion of the mine and 3,500 acres of newly acquired BLM land adjacent to the mine site.
- A land exchange was initiated with the BLM in 1989-90. This exchange of land was required in order to have a location where the garbage can be discarded. The concept that the garbage was going only into open mine pits is false. Only a portion of the eastern pit would be utilized. The central and western pits are not part of this proposal.
- To facilitate the construction and operation of the Eagle Mountain Landfill, 2,486 privately held acres were offered to the BLM from Kaiser and the BLM offered 3,481 acres of public land just outside Joshua Tree National Park, providing the bulk of lands needed by Kaiser for the proposed landfill. MRC paid the BLM \$77.00 per acre for 3,500 acres of land, and \$106 per acre for land located within the town site. Comparatively, the BLM received \$350 per acre for arid desert lands during the Mesquite Landfill land swap in southeastern California in the early 1990's.
- In 1992 the EIR was challenged in State Court, claiming the Environmental Impact Statements prepared for the project did not adequately address a range of environmental concerns including how the project would affect park desert tortoise populations as well as park wilderness lands. In 1994 the Court ruled in favor of the plaintiffs.
- In 1997, following a revised EIR the Court again ruled in favor of the plaintiffs on CEQA issues, in 1998 the State Appellate court overturned the lower court ruling, the State Supreme Court declined to take the case.

- Multiple plaintiffs brought suit in Federal Court in 1999 against the Department of the Interior, BLM, NPS, KVI and MRC claiming inadequacies with the EIS and improper land exchange due to valuation as well as the 1950 reversionary clause (P.L. 837).
- MRC has sold rights to the landfill to the Los Angeles County Sanitation District, pending resolution of all litigation, for forty one million dollars.

**CURRENT STATUS:** On September 20, 2005, Federal Judge Robert J. Timlin in U.S. District Court ruled in his 26 page decision, that:

- The landfill should have been considered as the highest and best use of the exchanged lands during the appraisal process.
- The BLM's Record of Decision was "arbitrary, capricious, an abuse of discretion and not in accordance with law..." when they agreed to the land swap, without recognizing the potential alternatives, nor did the agency recognize the potential negative affects to Joshua Tree National Park.
- The defendants failed to demonstrate that they used adequate quantified or detailed information sufficient to satisfy NEPA's requirements regarding the effects of the landfill project on the eutrophication aspect of the environment, the affects on bighorn sheep, or groundwater quality. Additionally, the statement of "purpose and need" and analysis of "reasonable range of alternatives" were inadequate.

Due to the progress of the developing Mesquite Landfill, also located in Southern California, it is no longer a necessity for the Eagle Mountain Landfill plan to continue.

It is uncertain at this time, whether or not the decision will be appealed.

**BUDGET IMPLICATIONS:** Potentially significant. If implemented approximately \$600,000 per year would be needed to monitor and mitigate impacts to the park. These costs are covered in an agreement signed in 1996 between the NPS and MRC. These costs would be recoverable through a tipping fee collected and managed by National Park Foundation. Costs associated with management of those non-manipulated acres (about 20,000 acres) in the Eagle Mountain area would be comparatively small. Costs associated with BLM or NPS operation of the Eagle Mountain Mine property site are unknown but could be substantial.

**CONTACT:** Curt Sauer, Superintendent

**DATE:** October 21, 2005